

REMARKS

Introduction

In this response, Applicant: amends claim 3 to correct a conflict between a singular context and a plural word as indicated by the Examiner; amends claim 6 to correct a typographical error; amends claims 1, 20 and 22 to more particularly point out and distinctly claim Applicant's invention; and adds claims 24 and 25. Support for the claim amendments and new claims are provided throughout the specification. The amendments and new claims add no new matter. As a result, claims 1-25 are pending. Applicant respectfully traverses the Examiner's rejections. Further examination and review in view of the amendments and remarks below are respectfully requested.

In the Office Action mailed on March 30, 2004 (Paper No. 7), the Examiner objected to the arrangement of Applicant's application for lacking a Cross Reference to Related Applications section, a Brief Summary of the Invention section, and a summary of the need perceived by applicant to motivate this invention at the end of the Description of Related Art subsection; rejected claims 13 and 15-19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,117,353 to Stipanovich et al. ("Stipanovich"); rejected claims 1-3 and 5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,659,731 to Gustafson ("Gustafson") in view of U.S. Patent No. 6,647,373 to Carlton-Foss ("Carlton-Foss"); rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Gustafson in view of Carlton-Foss and Stipanovich; rejected claims 6-12 under 35 U.S.C. § 103(a) as being unpatentable over Carlton-Foss in view of Stipanovich and U.S. Patent No. 5,978,768 to McGovern et al. ("McGovern"); rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Stipanovich in view of Carlton-Foss; and rejected claims 20-23 under 35 U.S.C. § 103(a) as being unpatentable over Carlton-Foss in view of McGovern and Stipanovich.

Applicant's Techniques

Applicant's techniques are directed to determining the degree of match between a desired target resource and an offered candidate resource. Both the target resource and candidate resource have attributes that specify the characteristics of the respective resource. A match rating that indicates how closely the candidate attributes match the

target attributes is generated for each candidate resource, and the match ratings are used to select a candidate resource whose candidate attributes best match the target attributes.

Cited References

Stipanovich

Stipanovich describes a temporary help business that schedules personnel suited to particular tasks for work on a temporary basis. The temporary help business literally performs a comparison of the requirements and required job skills specified in a job order with the availability and skills of a potential employee to determine whether the potential employee is suitable to fill the job.

Gustafson

Gustafson is directed to an approach for matching the attributes of a given entity with the attributes of entities stored within an extensive database containing a large number of entities in order to indicate the identity of closely matching entities. In particular, Gustafson describes a credit reporting agency that takes a plurality of attributes that describe a business entity, searches through a database of business entities, identifies one or more likely matching entities, and derives a confidence indicator representing the probability of a proper match, for each identified entity.

McGovern

McGovern is directed to a much more limited approach of enabling an employer to advertise available positions on the Internet, directly receive resumes from prospective candidates, and efficiently organize and screen the received resumes by enabling a hiring contact to manually score the resumes depending on the suitability of the candidate for the advertised position.

Carlton-Foss

Carlton-Foss is directed to an electronic reverse auction system that provides for the posting of information that describes a request and/or specification of goods and

services to be purchased across a network, provides for the submitting of a plurality of proposals in response to the request and/or specification, provides for the receiving of the plurality of proposals, and provides a ranking of the proposals received in accordance with financial and other qualitative and quantitative dimensions, including a purchaser-assigned rating of the importance of each evaluation dimension toward the total evaluation.

I. Objection to the Arrangement of the Specification

The Examiner objected to the arrangement of Applicant's application for lacking a Cross Reference to Related Applications section, a Brief Summary of the Invention section, and a summary of the need perceived by applicant to motivate this invention at the end of the Description of Related Art subsection. The Examiner also objected to claim 3.

With reference to the application lacking a Cross Reference to Related Applications section, Applicant submitted a Preliminary Amendment dated December 14, 2000, which requested an amendment to the specification to include a Cross Reference to Related Applications section, in which Applicant indicated a claim for priority from a provisional application. The preliminary Amendment was filed with the application, which receipt was acknowledged on a return receipt postcard in accordance with MPEP 503.

With reference to the application lacking a Brief Summary of the Invention section, 37 CFR 1.73 states, "[s]uch summary should, **when set forth**, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed." Applicant respectfully submits that, according to 37 CFR 1.73, a summary section is not required in a patent application.

With reference to lacking a statement of the need perceived by applicant to motivate this invention at the end of the Description of Related Art subsection, MPEP 608.01(c)(2) states, "[w]here applicable, the problems involved in the prior art or other information disclosed which are solved by the applicant's invention should be indicated."

Applicant respectfully submits that, according to MPEP 608.01(c)(2), a statement of the perceived need is not required.

With reference to claim 3, the Examiner requested correction of a context conflict. Claim 3 is amended to remove the conflict between a singular context and a plural word as noted by the Examiner.

II. Rejections under 35 U.S.C. § 101

The Examiner rejected claim 22 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claim 22 has been amended to address the Examiner's concerns.

III. Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 1-5 stand rejected over Gustafson in combination with either Carlton-Foss or Carlton-Foss and Stipanovich. While Applicant regards claim 1 to be patentable over Gustafson and Carlton-Foss in its present form, Applicant hereby amends claim 1 to explicitly recite "for each offered candidate resource, generating a plurality of fitness ratings, each fitness rating indicating how well a candidate attribute of the candidate resource matches a target attribute of the target resource" and "for each offered candidate resource, combining the plurality of fitness ratings using weighting factors to generate a match rating." None of the cited references disclose, suggest or teach the feature of generating a match rating by combining a plurality of fitness ratings using weighting factors. Applicant submits that claim 1, as amended, and its dependent claims 2-5, are unarguably patentable over the combination of Gustafson and Carlton-Foss.

Claims 6-12 stand rejected over Carlton-Foss in combination with Stipanovich and McGovern. Applicant respectfully traverses this rejection. As amended, claim 6, and its dependent claims 7-12, recites "generating a match rating for each offered person indicating how well that person meets the requirements." As previously submitted, the match rating is the sum of the weighted fitness ratings for the required and desired attributes. In this instance, a fitness rating is the fitness of an attribute of

the person relative to the attributes comprising the requirements, and is set using linear ranges and/or ratios.

The Examiner rejected claim 6 as being unpatentable over Carlton-Foss, Stipanovich and McGovern. In rejecting claim 6, the Examiner admitted that Carlton-Foss does not explicitly disclose "generating a match rating for each offered person indication how well that person meets the requirements," but indicated that the comparison of the required job skill with the recorded employee skills to determine whether skills required match skills available of Stipanovich corresponds to Applicant's match rating.

Applicant respectfully disagrees. The comparison of Stipanovich is an exact matching technique in that the comparison is performed to determine if there is an exact match between the required job skill and the recorded employee skill. This is not Applicant's match rating, which is derived by summing the weighted fitness ratings for the required and desired attributes. Thus, the cited reference cannot possibly suggest, disclose or teach Applicant's match rating. Likewise, Applicant can find in Carlton-Foss, Stipanovich and McGovern no such disclosure or suggestion.

Claims 13-19 stand rejected over Stipanovich, either alone or in combination with Carlton-Foss. Applicant respectfully traverses this rejection. Claim 13 recites "for each attribute, generating an attribute match rating indicating how well the corresponding resource value matches the corresponding target value." In rejecting claims 13-19, the Examiner indicated that Stipanovich's matching employee records in the employee inventory file with job order records in the job order file corresponds to Applicant's match rating.

Applicant respectfully disagrees. The matching of Stipanovich is either an "exact match" or a "near match." An exact match is a comparison to determine whether a required job attribute exactly matches the recorded employee attribute. If there is no [exact] match, near matching is considered. If no suitable employee is found using the exact matching techniques, then near matching techniques may be employed to find a suitable employee. A near match is a comparison of only a portion of the required job attribute and the recorded employee attribute. This is not Applicant's match rating,

which is derived by summing the weighted fitness ratings for the required and desired attributes. Thus, the cited reference cannot possibly suggest, disclose or teach Applicant's match rating. Likewise, Applicant can find in Stipanovich and Carlton-Foss no such disclosure or suggestion.

Claims 20-23 stand rejected over Carlton-Foss in combination with McGovern and Stipanovich. While Applicant regards claim 20 to be patentable over Carlton-Foss, McGovern and Stipanovich in its present form, Applicant hereby amends claim 20 to explicitly recite an auction component "that generates a match rating for each of the resources." None of the cited references disclose, suggest or teach the feature of generating a match rating for each of the resources. Applicant submits that claim 20, as amended, and its dependent claims 21-23, is unarguably patentable over the combination of Carlton-Foss, McGovern and Stipanovich.

The newly added claims 24 and 25 depend from and further limit claims 1 and 6, respectively, and are allowable on the same basis as claims 1 and 6.

VI. Conclusion

In view of the foregoing, Applicant respectfully submits that claims 1-25 are allowable and asks that this application be passed to allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

Respectfully submitted,

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